



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

सिल्हारा, मंगलवार, 18 विसम्बर, 1962/27 अग्रहायण, 1884

HIMACHAL PRADESH ADMINISTRATION

HOME DEPARTMENT

NOTIFICATION

Simla-4, the 23rd October, 1962

No. H.(P)14-803/58.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution *vide* Government of India, Ministry of Home Affairs Notification No. F. 27/59-Him(I), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following rules in respect of the Himachal Pradesh Police Department Class III Clerical Services, in regard to the following matters; namely:—

- (i) the method of recruitment to the Himachal Pradesh Police Class III (Clerical) Service;
- (ii) the qualifications necessary for appointment to such service and posts, and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

1. **Short title and commencement.**—(a) These rules may be called the Himachal Pradesh Police Class III Clerical Service (Recruitment, Promotion and certain conditions of Service) Rules, 1962.

(b) These Rules shall come into force from the date of publication of Notification in the H.P. Rajpatra.

2. **Definitions.**—In these rules, unless there is any thing repugnant in the subject or context:—

- (a) "The Inspector General" means the Inspector General of Police, Himachal Pradesh.

- (b) "Direct appointment" means an appointment made otherwise than by promotion of a member of the service or by transfer of an official already in the service of the Administration or the Union or of any State Government.
- (c) "The Service" means the Himachal Pradesh Police Class III Clerical Service.
- (d) "The Administration" means the Himachal Pradesh Administration.
- (e) "The Lieutenant Governor" means the Lieutenant Governor, Himachal Pradesh.
- (f) "The Post" means any of the posts in the service as shown in Appendix "A".
- (g) "Scheduled Castes" means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes, specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, (63 of 1956).
- (h) "Scheduled Tribes" means the Tribes or Tribal communities or parts of or groups within Tribes or Tribal communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 as amended by part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, (63 of 1956).
- (i) "Member" means a member of the Himachal Pradesh Police Class III Clerical Service.
- (j) "Recognised University" means any University incorporated by law in India or any other University which may be declared by the Central Government to be a recognised University for the purposes of those rules.

3. Character of posts.—The Character (*i. e.* designation, grade etc.) of the various posts included in the service and their scales of pay shall be as may be determined by the Administration from time to time. The posts and their scales of pay, as at present, in force, are specified in Appendix "A" to these Rules.

4. Authority empowered to make appointments.—All appointments to the posts in the service shall be made by the Head of the Department or any other authority declared as such by the Lieutenant Governor.

5. Eligibility and age of candidate.—(i) A candidate for direct appointment to any post in the service must be (a) a Citizen of India; and (a) (i) who or whose father has been continuously residing in Himachal Pradesh for period of not less than three years immediately preceding the date fixed for making applications for appointment to a post; or

(ii) whose father if dead, continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to the posts.

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

(iii) who produced before the appointing authority concerned, if so required by it, a certificate of eligibility granted under Rule 4 of the Himachal Pradesh,

Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959.

Provided that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes and the provisions of sub-rule (1)(b) of this rule, in exercise of his discretion under Rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India; or
- (b) a subject of Sikkim; or
- (c) a subject of Nepal; or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India.

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in the service only if he/she become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Principal Academic Officer of his University College, School or the Head of his educational or technical institution last attended;
- (ii) certificate of good moral character from two respectable persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School or other education or technical institution;
- (iii) a medical certificate as required by Rule 10 of Fundamental Rules 3, 4 and 4-A of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife.
- (v) in the case of a female Government servant, a declaration to the effect that she has not married a person having already a living wife.

Provided that the Administration may, if satisfied that there are special grounds for doing so, exempt any person from the operation of clauses (iv) and (v).

(3) Must not be less than 18 years and more than 25 years of age on the date of his appointment.

Provided that the minimum and maximum age limits as prescribed may be relaxed in pursuance of the instructions laid down in the Government of India, Ministry of Home Affairs Office Memo. No. 4/7/57-RPS., dated the 30th November, 1956 Annexure II as in the H.P. Secretariat Rules, and of administrative instructions given in Appendix 3 of the Fundamental and Supplementary Rules, Volume II.

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes, candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. *Educational and Technical Qualifications of candidates.*—No person shall be appointed to the service, unless in the case of appointment to the post of:—

- (i) *Junior Clerk.*—He has passed the Matriculation Examination of a recognised University or above and possess a speed of 30 words per minute in type-writing.
- (ii) *Senior Clerk.*—He has passed the Matriculation Examination of a recognised University or above with 3 years office experience in case of promotion from the post of Junior Clerk/Steno-typist or has passed the Intermediate/Higher Secondary Examination of a recognised University in case of direct recruitment.
- (iii) *Assistant.*—He has passed a degree examination of a recognised University in the case of direct recruitment or has got at least 4 years office experience in case of promotion from the post of Senior Clerk.
- (iv) *Superintendent.*—He has normally rendered 8 years service (officiating or confirmed) as an Assistant.
- (v) *Internal Auditor.*—He is a B. Com. of a recognised University and a certificate in Accountancy.
- (vi) *Stenographer.*—He has passed the Matriculation Examination of a recognised University and possesses a speed of 100 words per minute in English Short hand or 60 words per minute of Hindi Short hand and a speed of 35 words per minute in English type-writing or 20 words in Hindi type-writing.
- (vii) *Steno-typist.*—He has passed the Matriculation Examination of a recognised University. He must be able to write, read and transcribe well and should have minimum speed in type-writing of 40 words per minute and in stenography of 80 words per minute.

Provided that the candidate as prescribed above may be relaxed, in special circumstances by orders of the Lieutenant Governor.

7. *Method of recruitment.*—Posts in the Service shall be filled either by promotion or by direct appointment in the following manner:—

- (i) *Junior Clerks.*—By transfer of a person already in the service of the Union or by direct recruitment.
- (ii) *Senior Clerks.*—3/4th posts will be filled by promotion from amongst the junior clerks on the basis of seniority subject to the rejection of unfit and 1/4th posts will be filled by direct recruitment through a competitive examination. No junior clerk will be promoted as a senior clerk unless he has put in maximum period of 3 years service as a Junior clerk. Serving Junior clerks will, however, be eligible for competition with direct recruits irrespective of their length of service and qualifications.
- (iii) *Assistants.*—75 per cent of the posts will be filled by promotion on the basis of seniority subject to the rejection of unfit out of senior clerks who have served at least for 4 years in that capacity and 25 per cent of the posts by direct recruitment on the basis of a competitive examination. Serving senior clerks will, however, be eligible for competition with direct recruits irrespective of length of service and qualifications.
- (iv) *Superintendents.*—By selection through the Departmental Promotion Committee out of Assistants of the service or departments of Administration.
- (v) *Internal Auditor.*—By direct appointment or by transfer of officials

already in the service of Government of a State or of the Government of India.

(vi) *Stenographer*.—By direct recruitment on the basis of competitive examination, or by transfer from among officials in the Departments of Administration.

(vii) *Steno-typist*.—By direct recruitment on the basis of competitive examination or by transfer from among officials in the Departments of Administration who have the requisite qualifications prescribed for the post provided 23 per cent and 5 per cent of the vacancies shall be filled up from the candidates belonging to Scheduled Castes and Scheduled Tribes respectively subject to the minimum qualifications being satisfied by them.

Provided further that the vacancies reserved for outside candidates shall be intimated to the Heads of Departments or Heads of Offices as the case may be and they shall be asked to recommend names of suitable candidates working in their offices; otherwise vacancies shall be notified to the Employment Exchanges in Himachal Pradesh.

8. Selection by Departmental Promotion Committee.—The Departmental Promotion Committee in respect of selection of candidates by promotion and direct recruitment shall be as constituted by the Lieutenant Governor from time to time. Offers of appointments shall be made strictly in accordance with the select list prepared by the D.P.C.

9. Probation of the members of service.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years in the case of direct recruitment and on trial for a period of one year in the case of promotion.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation or trial, as the case may be, is in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation or trial as the case may be, of any member, the appointing authority prescribed in Rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation or trial as the case may be, and thereafter, pass such orders on the expiry of probation or trial as the case may be, as it could have passed on the expiry of the first period of probation or trial as the case may be.

Provided always that the total period of probation or trial, as the case may be including extension, if any, shall not exceed three years.

10. Scale of pay etc., of the service.—The present grades of pay of each class of service are mentioned in Appendix "A" to these rules subject to their revision from time to time.

11. In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of Central Civil Services (Classification Control and Appeal) Rules, 1957, and the Central Civil Services Conduct Rules, 1955, as amended from time to time.

12. Seniority of members of service.—(1) Subject to the provision of paragraph (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en-block* be senior to all others in that grade.

Explanation.—For the purpose of these rules—

- (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules; and
- (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules.

shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct Recruits.*—Notwithstanding the provisions of rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointments, on the recommendations of the selecting authority persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

- (1) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.
- (2) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier.
- (3) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing, the appointing authority is satisfied that this was so.
- (4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the person on promotion to higher grade.

5. Relative seniority of direct recruits and promotees.—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

(6) Transferees.—The relative seniority of persons appointed by transfer from the subordinate offices of the Central Government or other departments of the State Governments shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule (4)(i).—Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted take seniority in the higher grade over the junior person who has superseded him.

Rule (5).—A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75 per cent of the vacancies are reserved for promotion and 25 per cent for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

13. Leave and pensions etc.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these Rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume II of the P&T Compilation of the Fundamental and Supplementary Rules and the pension rules promulgated by the Government of India Finance Ministry's Office Memo. No. F. 3(1) Est. (Spl.)/47, dated the 17th April, 1950 as amended from time to time, unless he has exercised his option otherwise.

14. Training and examination etc.—The members of service shall have to qualify examinations or to undergo training as may be prescribed by the Lieutenant Governor from time to time for any class of posts.

15. Other conditions of service.—In respect of conditions of service other than those covered by these Rules members of the service shall be governed by the Government of India, Ministry of Home Affairs Notification No. 27/59-Him. II, dated the 13th July, 1959.

16. Interpretation.—If any question arises relating to the interpretation of these Rules, it shall be referred to the Administration, whose decision thereon shall be final.

17. Repeal and savings.—Any Rules corresponding to these Rules in force immediately before the commencement of these Rules and applicable to the members of the service, as specified in Appendix "A", are hereby repealed.

Provided that any order made or action taken under the Rules, so repealed, shall be deemed to have been made or taken under the corresponding provisions of these Rules.

APPENDIX "A"

Superintendent	Rs. 350-20-450.
Assistant	Rs. 150-10-200/10-300.
Internal Auditor	Rs. 150-5-180/10-250.
Stenographer	Rs. 150-10-200/10-300.
Stenographer	Rs. 80-5-120/8-200/10-220.
Senior Clerk	Rs. 116-8-180/10-250.
Steno-typist	Rs. 60-4-80/5-120/5-175 plus Rs. 15 as special pay.
Junior Clerk	Rs. 60-4-80/5-120/5-175.

O. N. MISRA,
Secretary.

